

**FOREIGN CLAIMS SETTLEMENT COMMISSION  
OF THE UNITED STATES  
WASHINGTON, D.C. 20579**

**IN THE MATTER OF THE CLAIM OF**

**JULES A. DUBREUIL**

**Under the International Claims Settlement  
Act of 1949, as amended**

**Claim No. CU -0058**

**Decision No. CU 1800**

**PROPOSED DECISION**

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$133,806.62, was presented by JULES A. DUBREUIL and is based upon an asserted loss sustained in connection with the ownership of stock issued by Compania Mercantil Rodriguez y Dubreuil, S.A., a Cuban corporation. Claimant has been a national of the United States since his birth.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964), 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 502(3) of the Act provides:

The term 'property' means any property, right, or interest including any leasehold interest, and debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated, intervened, or taken by the Government of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

Section 504 of the Act provides, as to ownership of claims, that

(a) A claim shall not be considered under section 503(a) of this title unless the property on which the claim was based was owned wholly or partially, directly or indirectly by a national of the United States on the date of the loss and if considered shall be considered only to the extent the claim has been held by one or more nationals of the United States continuously thereafter until the date of filing with the Commission.

The Regulations of the Commission provide:

The claimant shall be the moving party and shall have the burden of proof on all issues involved in the determination of his claim. (FCSC Reg., 45 C.F.R. §531.6(d) (Supp. 1967).)

The record indicates that during or prior to 1951, claimant helped form a corporation, Compania Mercantil Rodriguez y Dubreuil, S.A., which was organized and operated under the laws of Cuba. Two brothers, both Cuban nationals (Orestes and Manuel Rodriguez), also acted as promoters in the venture. By 1953, claimant owned 44% of the outstanding capital stock of the corporation, and the Rodriguez brothers held the remainder. Claimant states that the corporation was taken over by the Cuban Government on or about December 31, 1960, and seeks a certification of loss equal in amount to the value of his stock interest in the corporation.

As evidence in support of the claim, claimant has submitted an unsigned and uncertified set of financial statements which purport to reflect the position of the corporation as of April 28, 1957. Claimant avers that these statements, which relate to a point in time occurring some 44 months before the asserted date of loss, are the most recent that can be provided. Also of record are seventeen certificates representing a total of 157 shares

of the corporation's common stock, and claimant's affidavit relating to the date of taking by the Government of Cuba.

Upon consideration of all of the evidence presented in support of the instant claim the Commission finds that the evidence is of insufficient probative value to establish claimant's ownership of rights and interests in property having a particular value which was nationalized, expropriated, or otherwise taken by the Government of Cuba. Thus, the Commission is constrained to deny this claim and it is hereby denied. The Commission deems it unnecessary to make determinations with respect to other elements of the claim.

Dated at Washington, D. C.,  
and entered as the Proposed  
Decision of the Commission

MAY 1 1968

*Leonard v. B. Sutton*

Leonard v. B. Sutton, Chairman

*Theodore Jaffe*

Theodore Jaffe, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g) as amended, 32 Fed. Reg. 412-13 (1967).)

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